



FAIR POLITICAL PRACTICES COMMISSION

128 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

April 23, 2013

Ms. Cynthia Koehler
Environmental Defense Fund, Incorporated

REDACTED

Warning Letter Re: FPPC No. 13-121; Cynthia Koehler

Dear Ms. Koehler:

The Fair Political Practices Commission (“FPPC”) enforces the provisions of the Political Reform Act (“Act”),¹ found in California Government Code Section 81000, et seq. This letter is in response to a non-filer referral from the California Secretary of State that alleged you violated the Act’s disclosure provisions regarding filing your required quarterly Lobbyist Reports.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you violated the Act’s disclosure provisions when, as a lobbyist, you failed to properly file quarterly Lobbyist Reports (Form 615) disclosing all lobbying activity for the periods of April 1, 2012 through June 30, 2012, July 1, 2012 through September 30, 2012, October 1, 2012 through December 31, 2012, and January 1, 2013 through March 31, 2013.

Section 86113 of the Act provides that lobbyists must file periodic reports. Section 82039 of the Act defines a lobbyist as “any individual who receives two thousand dollars (\$2,000) or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, or whose principal duties as an employee are, to communicate directly or through his or her agents with any elective state official, agency official, or legislative official for the purpose of influencing legislative or administrative action.” Section 86117(a) provides that these reports “shall be filed during the month following each calendar quarter.

Your actions violated the Act because you failed to properly file your Lobbyist Reports electronically or via paper format in a timely manner. However, there are several mitigating factors. You do not have a significant history of violating the Act. On the three most recent Lobbyist Reports that you did timely file, you indicated that you had no activity to report. In light of these factors, we are closing your case with this warning letter. The information in this matter will be retained and may be considered should an enforcement action become necessary

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

Although the Enforcement Division is not seeking a penalty in the current matter, you are still required to immediately file any additional outstanding statements and will be responsible for any late filing fees assessed by the appropriate filing officer. (Gov. Code § 91013.)

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact Tracey Frazier at (916) 327-2019 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

cc: Secretary of State